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June 22, 2012

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2012 JUN 22 PM 4:16
CHIEF CLERK'S OFFICE

Ms. Bridget Bohac (MC 105)
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

VIA HAND DELIVERY

RE: TCEQ Docket No. 2010-0837-WR; SOAH Docket No. 582-11-3522; *In regard to the Application by City of Lubbock for Amendment to Water Use Permit No. 3985.*

Dear Ms. Bohac:

The City of Lubbock (the "City") received the Proposal for Decision issued by Administrative Law Judge Richard R. Wilfong following the contested case hearing on the above-referenced application (the "PFD"). The City has reviewed Judge Wilfong's recommendation and the reasoning supporting same, as articulated in the PFD. In addition, the City has reviewed each of the Judge's findings of fact and conclusions of law as described in his proposed order.

The PFD reflects the Judge's careful consideration of the issues relevant to the above-referenced application, and it demonstrates his thoughtful analysis of the evidence admitted into the record during the evidentiary hearing. In each instance, the ultimate conclusions Judge Wilfong reaches are supported by the overwhelming weight of evidence admitted during the hearing.

Accordingly, the City takes no exception to any of the findings of fact or conclusions of law made by Judge Wilfong. Respectfully, the City urges the Commission to consider adopting the Judge's recommendation on the application, and issuing the proposed order included with the PFD.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Hill', with a stylized flourish at the end.

Jason T. Hill

JTH/slb
2181661

cc: The Honorable Richard R. Wilfong, SOAH
Martin C. Rochelle, *of the firm*
Brad C. Castleberry, *of the firm*
Service List

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing argument was delivered by hand delivery, facsimile, or by email to the persons listed in the attached SOAH service list on this, the 22nd day of June 2012.

A handwritten signature in black ink, appearing to read 'J. Hill', is positioned above a horizontal line.

JASON T. HILL

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STYLE/CASE: CITY OF LUBBOCK
SOAH DOCKET NUMBER: 582-11-3522
REFERRING AGENCY CASE: 2010-0837-WR

STATE OFFICE OF ADMINISTRATIVE	<u>ADMINISTRATIVE LAW JUDGE</u>
HEARINGS	ALJ RICHARD R. WILFONG

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